

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MANJINA PATEL, *as the Guardian of* KISHAN PATEL, *an*  
*incapacitated person,*

Plaintiff,

-v-

THE CITY OF NEW YORK, POLICE OFFICER HIEU TRAN,  
MAYOR ERIC ADAMS, COMM. EDWARD CABAN, and  
POLICE OFFICERS JOHN DOE 1-10,

Defendants.

24-CV-07428 (JAV)

STEPHANIE HUMMEL,

Plaintiff,

-v-

THE CITY OF NEW YORK, POLICE OFFICER HIEU TRAN,  
MAYOR ERIC ADAMS, COMM. EDWARD CABAN, and  
POLICE OFFICERS JOHN DOE 1-10,

Defendants.

24-CV-08509 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

On January 14, 2025, counsel for the Plaintiffs in *Patel v. City of New York*, 24-cv-7428-JAV, and *Hummel v. City of New York et al*, Case No. 1:24-cv-8509-JAV, and counsel for the City of New York, Mayor Eric Adams, and Commissioner Edward Caban in both actions (the “Defendants”) appeared before the Court to discuss the consolidation of the above-captioned cases. No party objected to the proposed consolidation of these cases for pre-trial purposes.

It is hereby ORDERED that the *Patel* and *Hummel* actions are consolidated pursuant to Rule 42(a) for discovery and pre-trial proceedings, as they present common questions of fact and law. The Court reserves on whether these cases will be consolidated for purposes of trial.

**The Clerk of the Court is directed to consolidate these cases under Docket No. 24-cv-7428, and to close 24-cv-8509. All future filings shall be on the 24-cv-7428 docket.**

Furthermore, as discussed during the proceeding, the briefing schedule proposed in the January 13, 2025 Letter from the Defendants in the *Patel* action (ECF No. 29) is GRANTED. The Defendants' time to respond to the Complaint in the *Patel* action is extended to **February 3, 2025**.

Defendants have indicated that they intend to file motions to dismiss the complaints in both the *Patel* and *Hummel* cases under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Plaintiffs in both the *Patel* and *Hummel* cases shall file any amended complaints by **March 3, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiffs are on notice that there will likely not be any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by **April 3, 2025**, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed within twenty-one days, and any reply shall be filed within seven days of any opposition.


If no amended complaint is filed, Plaintiffs shall file any oppositions to the motions to dismiss by **March 3, 2025**. Defendants' replies, if any, shall be filed by **March 31, 2025**.

A pretrial conference is scheduled for **April 16, 2025, at 10:30 A.M.** The conference will be held in Courtroom 14C, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

The Clerk of Court is respectfully directed to terminate ECF No. 29 in the *Patel* action.

SO ORDERED.

Dated: January 15, 2025  
New York, New York

  
JEANNETTE A. VARGAS  
United States District Judge